

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IOSEF BIKHMAN,

DOCKET# 16-CV-06203

RESPONSE TO COURT'S
ORDER TO SHOW CAUSE

Plaintiff,

-against-

CARING PROFESSIONALS, INC.

Defendant.

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This is an action under the Fair Labor Standards Act and New York Labor Law for recovery of unpaid wages and overtime. Plaintiff has a lawsuit against Defendant, CARING PROFESSIONALS, INC.. A Summons was issued on November 8, 2016. The defendant is represented by Noel Tripp, Esq. of Jackson Lewis, P.C. . Mr. Tripp and I have been discussing parameters of a settlement in regards to my client, IOSEPF BIKHMAN and another client, which was to be added as an additional plaintiff. Those discussions have recently hit a standstill, due to the filing of another two (2) actions against the same defendant. One of the actions was filed in this Court and the other was filed in Supreme Court of the State of New York.

The additional filings have caused our discussions to stop, so the defendant was served with the Summons and Complaint through the Secretary of State. Proof of said service has been filed with the Court and the defendant has to respond in a timely fashion.

It is quite apparent that there was never a lack of prosecution on this matter, but simply an attempt to settle the matter without involving the Court. Unfortunately, a settlement could not be reached and the prosecution of this matter shall proceed.

It is therefore respectfully requested that the Court not dismiss the within action for lack of prosecution. The plaintiff has a legitimate complaint for unpaid overtime wages pursuant to the Federal Labor Standards Act and would be greatly prejudiced if the matter was dismissed.

/s/ David A. Feinerman DF 3320

DAVID A. FEINERMAN, ESQ.

2765 Coney Island Avenue, 2nd floor

Brooklyn, New York 11235

Tel (718) 646-4800

Attorney for Plaintiff